

H 10

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Noritsugu Yamasaki et al.  
Serial No. : 09/647,772  
Filed : October 4, 2000  
Title : INDOLE DERIVATIVES

Art Unit : Unknown  
Examiner : Unknown

**BOX PCT**

Commissioner for Patents  
Washington, D.C. 20231

PETITION TO REVIVE APPLICATION UNDER 37 CFR §1.137(b)

Applicants hereby petition under 37 CFR §1.137(b) to revive the above application, which was abandoned on September 6, 2002 for failure to respond to Decision on Papers Under 37 CFR 1.42 mailed April 2, 2002.

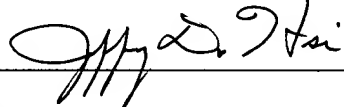
Enclosed is 1) a proposed response to the Decision on Papers Under 37 CFR 1.42 mailed April 2, 2002 and September 6, 2002, to continue prosecution of the application and 2) a check for \$1280 in payment of the petition fee by a large entity as set forth in 37 CFR §1.17(m).

Applicants submit that the entire period of delay was unintentional.

Please apply any other charges or credits to Deposit Account No. 06-1050, referencing attorney docket number 06501-065001.

Respectfully submitted,

Date: November 6, 2002

  
Jeffrey D. Hsi  
Reg. No. 40,024

Fish & Richardson P.C.  
225 Franklin Street  
Boston, Massachusetts 02110-2804  
Telephone: (617) 542-5070  
Facsimile: (617) 542-8906

20517731.doc

11/12/2002 MKAYPAGH 00000095 09647772

01 FC:1453

1280.00 DP

## CERTIFICATE OF MAILING BY EXPRESS MAIL

Express Mail Label No. EL947622886US

November 6, 2002

Date of Deposit

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Noritsugu Yamasaki et al.  
Serial No. : 09/647,772  
Filed : October 4, 2000  
Title : INDOLE DERIVATIVES

Art Unit : Unknown  
Examiner : Unknown

**BOX PCT**

Commissioner for Patents  
Washington, D.C. 20231

RESPONSE TO DECISION ON PAPERS UNDER 37 CFR 1.42

In response to the Decisions on Papers Under 37 CFR 1.42 mailed April 2, 2002 and September 6, 2002, and pursuant to the petition under 37 CFR §1.137(b) to revive the above application, Applicants request consideration of this response.

In the September 6 Decision, it is stated that:

The declaration submitted on June 10, 2002 is not executed by Noriko Oku, Chikado Oku, and Tomohito Oku as "representatives" of deceased inventor, Teruo Oku. Additionally, the declaration does not state that Noriko Oku, Chikado Oku, and Tomohito Oku are "legal" representatives or all of the heirs of the deceased inventor. Accordingly, the declaration fails to identify the proper relationship under 37 CFR 1.497(b)(2).

Applicants submitted a Supplemental Declaration executed by Noriko Oku, Chikado Oku, and Tomohito Oku with their Renewed Submission Under 37 CFR 1.42, filed October 26, 2001. In that declaration, at the bottom of page 1, it states "I hereby declare that Noriko Oku, Chikado Oku, and Tomohito Oku are "all the heirs" of deceased inventor Teruo Oku". Applicants resubmit a copy of that declaration herewith and believe that it satisfies the requirements of 37 CFR 1.497 with respect to Noriko Oku, Chikado Oku, and Tomohito Oku as "all the heirs" of deceased inventor Teruo Oku.

CERTIFICATE OF MAILING BY EXPRESS MAIL

Express Mail Label No. EL947622886US

November 6, 2002  
Date of Deposit

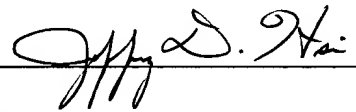
Applicants submitted a Supplemental Declaration executed by Noritsugu Yamasaki, Takafumi Imoto, Hiroshi Kayakiri, Osamu Onomura, and Takahiro Hiramura with their Renewed Submission Under 37 CFR 1.42, filed June 10, 2002. Applicants resubmit a copy of that declaration herewith and believe that it satisfies the requirements of 37 CFR 1.42 with respect to Noritsugu Yamasaki, Takafumi Imoto, Hiroshi Kayakiri, Osamu Onomura, and Takahiro Hiramura.

Applicants respectfully submit that provision of the enclosed documents satisfies the requirements under 37 CFR 1.42 and 1.497. Applicants submit that the entire period of delay was unintentional. Based on this response, in combination with submission of the required fee, Applicants request grant of the petition for revival of this application for unintentional abandonment.

Please apply any charges or credits to Deposit Account No. 06-1050, referencing attorney docket number 06501-065001.

Respectfully submitted,

Date: November 6, 2002

  
\_\_\_\_\_  
Jeffrey D. Hsi  
Reg. No. 40,024

Fish & Richardson P.C.  
225 Franklin Street  
Boston, Massachusetts 02110-2804  
Telephone: (617) 542-5070  
Facsimile: (617) 542-8906